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The author cites an important decision (p. 35) of the court of appeals at Rome, given in 1881, to effect that treaties become the law of each of the contracting powers and magistrates have full right to recognize their effect when they are invoked in the support of private rights. This, for Italy, puts a treaty by judicial construction where our own Constitution puts it in express terms. It is a reasonable deduction from the modern practice requiring parliamentary ratification of treaties, which now prevails generally in Europe.

Considerable space is given to methods of extra-territorial service of process by the aid of foreign judicial officers, a proceeding analogous to that upon a rogatory commission. The treaties between various European powers as to jurisdiction of suits affecting foreigners, whether natural or artificial persons, are described at length, as well as the provisions of their codes. International arbitration receives ample consideration (Sec. 44).

A part of the book which is of special practical importance to American lawyers is the discussion of the rules affecting written evidence produced from abroad (Sec. 561, *et seq.*). There is a certain trend of Continental European opinion towards giving it such weight as it would be entitled to within the jurisdiction from which it comes, but the Institute of International Law, in resolutions cited by the author and adopted in 1898, while accepting this rule as to matters of form, favored the *lex fori* as the standard of probative force.

No lawyer can ever safely assume the conduct of a cause in a foreign country. He must rely on local counsel for the ultimate direction of its course; but a book like that under review will help him greatly, both in giving advice to such an associate and in understanding advice given by him. It is a good guidepost, and it is good to have guideposts as well as guides.

S. E. B.

Roman Water Law. Translated from the Pandects of Justinian.

By E. F. Ware, of the Topeka Bar. The West Publishing Co., St. Paul, Minn. Half morocco, pages, 160.

This is an interesting monograph on the subject of the Roman law concerning fresh water. It is composed of excerpts from the *Corpus Juris Civilis* (particularly the Digest), which bear in any way upon this subject. Primarily it is a translation of these excerpts, which have been literally translated with care. This material from the Roman law has been arranged by the author in the following topics: rivers, rain water, springs, drip, waterworks, sewers, reservoirs, irrigation, water-rights, right of way and the appropriate remedies and procedure of the civil laws as to the same. It is an advantageous contribution to the literature in English or Roman law.

It is supplemented by the Spanish law on the same subject as found in the *Siete Partidas*, which was their law when America was

discovered and which underlies the modern Mexican law on this subject. Students of legal history in Louisiana and certain of the southwestern states should welcome this addition of the author to the proper scope of his work.

The author's introduction of fifteen pages is an ambitious effort. It notices the point of contact between certain American states and the civil law, discusses the codification of the Roman law by the Emperor Justinian, and gives some interesting data as to the possible influence of Assyrian, Persian and Egyptian law, on Roman water lay. Furthermore, it contains what is found in the works of the French civilian Domat and in the French Civil Code, relative to the same subject, a feature which would have come more logically in the supplemental posterior portion of the book.

C. P. S.

Cases on Domestic Relations and the Law of Persons. Second edition. By Edwin H. Woodruff, Professor of Law at Cornell University. Baker, Voorhees & Co., New York. Art canvas, pages XV, 624.

The compilation of a satisfactory case-book upon the law of Domestic Relations is attended by peculiar and exceptional difficulties by reason of the changeable state of the law and the chaotic condition of the decisions by which the compiler is confronted. Professor Woodruff achieved an enviable degree of success by the first edition of his work and now, after an interval of eight years, we are favored with a new edition differing from the first chiefly in the recent decisions which are inserted to the extent of a hundred additional pages and numerous additional notes. These new cases add materially to the value of the entire work and the notes, while they are mostly brief, are very satisfactory. The author in his very brief preface calls special attention to the fact that a group of cases on conflict of jurisdiction in divorce cases has been added, but an examination of these cases indicates that, in this instance, Professor Woodruff has been less fortunate than usual in his selection of decisions. No mention whatever is made of that remarkable series of cases decided by the Supreme Court in 1901, beginning with *Atherton v. Atherton*, 181 U. S. 155. On the other hand, space is given to *People v. Baker*, 76 N. Y., 78, which is practically overruled by the Supreme Court in *Atherton v. Atherton*. No student should be allowed to complete his study of Domestic Relations without having had a brief opportunity to gain an accurate knowledge of the law as established in these cases by our court of last resort. Aside from this regrettable omission, Professor Woodruff's book commends itself to every student and will also prove of universal value to the practitioner.

B. E. C.